The 'Dogma of the Independence of Nations': Nationality as the Basis of the 1919 International Legal Order

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In 1851, in his famous lecture *Della nazionalità come fondamento del diritto delle genti*, the Italian jurist Pasquale Stanislao Mancini (1817-1888) formulated the so-called 'dogma of the Independence of Nations' – a fundamental principle of the political ideologies of the *Risorgimento*. In it, he defined nationality as 'a natural society of individuals' based on 'unity of territory, origins, habits and language, and conformed to a commonality of life and social conscience.' Although he is well known among scholars of international law, Mancini is far less known among historians. Yet his 'dogma of the independence of nations' proved to be fundamental during the 1919 Peace Treaties, when the rights of nationality became the criterion redesigning the map of Europe – nationality being officially attached to the promise of self-determination by President Woodrow Wilson.

This article intends to present the principle of nationality advocated by Mancini and how it became the basis of relations between states in international law in the second half of the nineteenth century. It also aims to analyse how the principle of nationality was transposed, formulated and interpreted in the 1919 Peace Treaties to support the rights of national minorities.

Keywords: Nationality, Pasquale Stanislao Mancini, 1919 Peace Treaties, national self-determination, Woodrow Wilson

Introduction

In 1916, in his work on *Le Principe des Nationalités. Ses Origines historiques*, the French historian and economist Henri Hauser attributed the causes of the First World War to the Principle of Nationality, highlighting its ambiguities and intrinsic contradictions.[1] Contrary to the Italian jurist Pasquale Stanislao Mancini, who first had advocated that nationality – and not the state – was the rational basis of the Law of Nations and had latched the foundations of his conception of nationality to territory, race and language, Hauser contested that these elements alone were sufficient to define it, asserting that the essence of nationality rather lay in 'collective consciousness'. He also argued that, once the war was over, it would have been complicated to reconstruct Europe according to the principle of nationalities, given that this concept remained difficult to apply in practice. Not only because very often there was no precise correspondence between a given nationality and a defined geographical area but, above all, because it would have been difficult 'to determine exactly, among the human groupings, those who have the right to the title of nation.'[2] Moreover, Hauser asserted that the plebiscite instrument – which had worked during the process of the Italian unification – would have no value if organised either under the control of a vanquished state 'in a country of which a considerable part of the population of origin has been expelled or forced to emigrate', or, finally, in a country 'on which the conquering state would have poured a considerable fraction of its own countrymen.'[3]

Hauser's predictions proved to be right both as regards to the practice of plebiscites, which would be used to decide on territorial or sovereignty issues, as to the difficulties of employing a principle that was based on an idea which was as abstract as it was inapplicable, i.e. nationality. In fact, during the 1919 Peace Treaties, the rights of

nationality became the criterion with which the map of Europe would be reshaped – nationality being officially linked to the promise of self-determination by then US President Woodrow Wilson.

This article aims to retrace the history of the principle of self-determination by focusing mainly on the 'principle of nationality', as formulated by Pasquale Stanislao Mancini (1817-1888) in the second half of the nineteenth century. Indeed, it was thanks to him that the principle of nationality became the fulcrum of the relations among states in international law, while the notion of 'nation' acquired centrality in the domain of domestic law. Accordingly, Mancini's ideas will be placed in the Italian context of that period which was characterised by the search for political unity. At the same time considerable effort was devoted to establishing an international congress of jurists which would resolve the most poignant international law issues. Finally, this article will consider the common assumptions shared by Mancini and Woodrow Wilson concerning nationality in order to analyse how the principle of nationality was transposed, formulated and interpreted in the 1919 Peace Treaties to support the rights of national minorities.

Historical notes on the term 'nationality'

As the German jurist Kay Hailbronner rightly pointed out, 'nationality in a historic perspective is a somewhat new phenomenon.' It expresses the membership of a nation and, in its more modern sense, is defined by 'a common history, culture, ethnicity and common political convictions or value', whereas in the nineteenth century, a predominant element in nationality was 'a "right to exclude others", and to defend the territory of the national from external aggression.' Yet, there is 'no generally

recognised concept of nationality as the expression of membership of a political community.'[4]

The French historian Gérard Noiriel has also stressed the ambiguity of *nationalité* in his excursus on the French uses of the term in the nineteenth century. As such, it can refer both to 'subjective' (i.e. 'nationality as a "feeling of belonging" to a group of individuals, themselves defined by a set of cultural characteristics') and 'objective' (i.e. 'nationality as a legally codified belonging') criteria.[5] In 1923, the French writer and journalist René Johannet, author of *Le principe des nationalités* (1918), referred to these criteria as a 'concrete political-ethnographic meaning' ('Nationality means a human group forming or appropriate to the formation of a national state'), and an 'abstract legal meaning' ('the legal bond between a man and a State, expressed by the term *indigénat*'). Moreover, he added a third, more ancient meaning, which could be expressed as 'existence nationale, amour-propre national, nationalisme déplacé, excès de nationalisme, etc.'[6]

There are indeed many difficulties when it comes to clearly defining the term and its meaning(s). *Nationalité* is not only a polysemic term, as illustrated by Gérard Noiriel's emphasis on the difficulties one encounters when translating the term into German or English.[7] Its meaning has also modified over time under the sway of socio-political changes that have resulted in the discourse on the nation being repeatedly reorganised in order to adapt it to new domestic and international political contexts and ideas. According to the historical reconstruction proffered by Noiriel, the term *nationalité* – which is derived from the term 'nation' – appeared only recently, at the beginning of the nineteenth century, and was first adopted by Madame de Staël, in *Corinne et l'Italie*, published in 1807.[8] However, it was definitively consecrated by the translation, in 1825, of the work of Friedrich Jahn, *Deutsche Volksthum* (1810), in French. The translation of

the title *Recherches sur la nationalité; l'esprit des peuples allemands et les institutions en harmonie avec leurs mœurs et leur caractère*, testifies to the difficulties of conveying a concept – that of *Volk* – whose meaning was predominantly cultural and simultaneously referred to the nation and the people.[9]

Noiriel explained how the term, once introduced into the French lexicon – and contrary to what happened in the German language – veered progressively towards a clear differentiation between its political and anthropological definitions. In France, the term encountered mixed fortunes, and was not used at all by historians during the Restoration, yet it was increasingly adopted from the July Monarchy (1830) onwards, including by those writers who had ignored it a few years earlier. At that time, the term embodied a 'spiritual force' and had no political meaning. However, towards the final years of the July Monarchy, the term nationality began to be used increasingly for political purposes, while the debate around it shifted from the domestic to the international arena. After the Second Empire had ordained the *principe des nationalité*s – the term is preferably declined in the plural – 'an essential instrument of its external policy', at the end of the century the *question de nationalité* was again 'a priority problem in internal politics.' Consecrated by its renewed use in the singular, the term nationality now designated both an individual and a collective character.[10]

But let's return to René Joahnnet's book for a moment. Undoubtedly, it was a propitious time for the publication of a book entitled *Le principe des nationalités* (1918). As Johannet explained in the introduction to the second edition in 1923:

> Que les paix, conclues à Versailles, à Neuilly, à Sevres, à Saint-Germain, à Trianon, soient, en principe, à travers les imperfections et les hyprocrisies, des paix nationalitaires, il serait difficile de le nier. Partout où les diplomates sont intervenus après les soldats, ils ont choisi ostensiblement pour guide – non pas pour guide unique, non peut-être pour guide véritable, – mais pour guide principal, le nationalitarisme. C'est la première fois dans l'histoire du monde qu'une idée, (ou ce qu'on appelle de ce nom depuis environ un siècle) de cette nature, avec des prétentions à l'objectivisme, se soit imposée de la sorte au cours d'un règlement d'une pareille envergure.[11]

Interestingly, Johannet forged the neologism *nationalitarisme* to denote a policy based on the principle of nationalities, referring in particular to the policy pursued during the Peace Treaties (which he defined as 'une paix nationalitaire') which aimed at aligning new political borders with *nationalitaires* borders, restoring 'sunken nations' to the present day. Furthermore, in his voluminous work, which received an award from the *Académie française*, he depicted the idea of nationality as 'an intriguing combination of constructivist and essentialist thought.'[12] In Johannet's thinking, the 'principle of nationalities' required the State and the Nation to converge and draw its borders according to race or preferably nationalities ('d'après les races ou plutôt les nationalités'), and where there is a nation, there must also be a State. And yet, a few lines later, he had to admit that 'the darkest part of the principle of nationalities, is precisely the nationality.'[13]

So what exactly constituted nationality? Johannet acknowledged that the first definition of nationality was given by Pasquale Stanislao Mancini, who laid down an accurate, coherent definition of the term which no longer had literary or historical nature but was on the

contrary political and legal. However, Johannet also stressed how Mancini's nationality actually did not apply to reality, since it was an ideal, or even 'an intellectual category in search of an incarnation, – let us say, an Italian category, a political weapon in the hands of the still enslaved but already threatening *Italianità*.'[14]

Nationality in Mancini's thinking

Born on March 17, 1817 in Castel Baronia (Avellino), in the Kingdom of the Two Sicilies, during the 1840s, Mancini was one of the protagonists of the liberal movement in Naples, fighting for the freedom of press and trade, and the reform of the prison system. Appointed in 1847 as substitute professor of Natural Law at the University of Naples, he was elected to the parliament in 1848. The heavy repression that followed the brief constitutional period forced him to flee to Turin in September 1849 where he continued to be an active propagandist for national unity. In 1850, he was appointed to the Commission to review civil and criminal legislation. The following year, he was appointed Professor of the Chair of Public and Private International law, and Maritime law, and became an adviser to the Ministry of Foreign Affairs for diplomatic affairs and diplomatic litigation in 1857.

From 1859-1860, Mancini played an important role in the process of legislative and administrative unification. After his election to the Parliament of Piedmont–Sardinia in 1860, he was sent to join the council presiding over the territory of his former homeland – which had recently been conquered by the Italian patriot Giuseppe Garibaldi – the following year. There, he revoked religious orders, renounced the concordat with the papacy and proclaimed the state's right to church property. Returning to Turin, he served as Minister of Justice (1876–78)

and as acting Minister of Public Worship in 1878. In 1881, he became Minister of Foreign Affairs. He was responsible for the Italian accession to the alliance treaty with Germany and Austria-Hungary (the Triple Alliance of 1882). In 1885, he resigned after failing to obtain a majority from the Chamber in favour of the colonial policy he had embarked upon with the occupation of Assab. He died in Naples on December 26, 1888.

During his exile in Turin, and in addition to holding important positions in consultative and ministerial bodies, Mancini held the Chair of Public and Private International law, and Maritime law. He began teaching his courses on 22 January 1851 with the famous prolusion on *Nationality as the foundation of the Law of the Peoples*,[15] for which he is principally renowned in Italy and abroad, in particular amongst jurists and scholars of international law.

For Mancini, nationality consisted of a complex combination of natural and historical elements common to a people:

> 1) Territory: each nationality is assigned the natural boundaries of its territory (mountains, seas, etc.). The diversity of regions and temperatures affects sensitivity, trends, active forces, and needs, etc., of the people. The nature of the country and its agriculture determine the way of life and the direction of national development.
>
> 2) Race: is the expression of an identity of origin and blood. Among individuals, there is an evident plurality of races with more or less distinct characters. Despite the melding they have undergone and that has engendered the birth of new races, some characteristics persist and are transmitted in races, thus forming the national spirit. Analogy of feelings and tendencies represents a more persistent

> bond between individuals of the same lineage compared to those who are foreign to it.
>
> 3) Language: is the strongest bond of national unity. The great number of existing languages denotes the providential destination of human society to consist of many distinct nationalities, each with its own life and its own being. The languages of peoples cause less uncertainty than the traits and forms of the body, since the genius and intellectual state of a nation are revealed in them. The unity of language is the expression of the unity of a Nation's moral nature and creates its dominant ideas. It is these elements that engender the others, i.e. religious beliefs, customs, laws and institutions.[16]

However, as Mancini explains, they are all 'inert' elements that acquire a vital spirit thanks to the 'consciousness of nationality', i.e. 'the awareness that nationality acquires of itself, and that makes it capable of forming itself internally and manifesting itself externally.'

Since nationality is 'the natural society of individuals', stemming from the unity of territory, origins, customs and language, conformed to a commonality of life and social consciousness, it follows that the Nation – and not the State – represents the elementary unit in the genesis of international rights. Moreover, the State embodies the principle of nationality, which is a necessary prerequisite for its very existence.

Since many nations coexist on Earth, the principle of Nationality implies the equal inviolability and protection of all nations. The respect and independence of each Nationality is a just and effective guarantee of the rights of the people. Hence, the principle of Nationality is the foundation stone of the Rights of the People. The supreme aim of the Right of the

Peoples is Giambattista Vicos' 'Humanity of the Nations', i.e. the celebration of humanity and its civil progress in the free, harmonious and complete development of nationalities.[17]

Predictably, Mancini's prolusion had a major impact, causing protests from Austria and the Bourbons,[18] whilst simultaneously providing the legal and political doctrinal basis for the Italian Risorgimento. As Luigi Nuzzo explains, 'the political and legal projects of *nation* and *state building* were defined around the principle of nationality and both presupposed a strong voluntary component.' In this sense, the convergence between the 'narration of the Italian nation' was founded precisely on the principle of nationality and the importance attributed to its legal meaning in the process of national unification.[19] It was brought about by Giuseppe Mazzini despite the fact that he had been ignored by the internationalist jurists of his time, especially because of the political centrality he ascribed to the 'people'.

According to Giuseppe Mazzini (1805-1872), allegedly 'the chief inspirer and leading political agitator of the Italian Risorgimento',[20] Italy had a twofold mission: on the one hand the abolition of the Papacy, in the name of 'the replacement of the dogma of human *fall* and *redemption* with a more timely belief in Progress.'[21] On the other hand, the development of the principle of Nationality 'as the supreme foundation of international relations and as a guarantee of future peace.' The idea of Nationality, he explained, was 'the soul of a new Era':

> Almost all the wars fought in Europe between the last years of the first Napoleonic Empire and our present time originated from that principle. Quite often those wars were provoked by peoples that aimed to achieve their own *nationality* or wanted to protect it from the assaults of others. On other occasions, war was

> promoted by monarchs who wanted to preventively gain control over and undermine a *nationalist* uprising that they foresaw as inevitable.
>
> Today, several peoples in Europe are called on by providential tendencies to strengthen their internal bonds so that they can live their normal life, and freely and spontaneously fulfil their role on the continent. However, those peoples are for the most part split up and divided. The servants of others, they have been subjugated by states with a different *goal*. They have been violently separated from other branches of the same family; and this makes them weak and uncertain in their movements and in the expression of their legitimate aspirations [...].
>
> Different *Nations* represent the diversity of human abilities. They are thus called on to reach their common *goal* by *associating*; not by becoming confounded with or submerged into others. Each nation forever retains the right to fashion its own life, for only those who are self-determining and affirm their own *individuality* can fruitfully associate [...]. Free *nationhood*, or universal national self-determination, is the sole guarantee against the despotic rule of a single people over several others, just as *individual liberty* is the sole guarantee against the despotic subjection of human beings.[22]

The consequences of the centrality of the nation in the internationalist legal discourse were important. In his *Lineamenti del vecchio e del nuovo diritto delle genti. Prelezione del corso accademico dell'anno 1852*, Mancini recalls the regulatory principles of international law so as to highlight that Nations and not States were the source of international rights and duties – constituting a 'natural and necessary subject', not an

'artificial and arbitrary' one. According to him, such a change would have had profound consequences, by enshrining in particular:

> 1) The 'inalienable and inviolable' right of every nation to establish itself freely, preserving its independence if it owns it, or claiming it if it is enslaved or oppressed.
>
> 2) Free trade and free navigation.
>
> 3) Reduction of the role of the treaties stipulated by the rulers to the detriment of the 'inalienable and essential rights of nationalities', in particular those that sanction the divisions of nations or, on the contrary, unite them through 'monstrous marriages'.
>
> 4) Recourse to international arbitration, capable of resolving international disputes peacefully, instead of war, 'a savage and senseless means of redressing injustices.' In this way, peace would become the 'natural, legitimate and perpetual state among peoples.'
>
> 5) Renewal of private international law in the name of 'mutual respect for the right Laws of other nations' and recognition of the civil rights of foreigners.[23]

In mid-nineteenth century Italy, the idea of the state withdrew from that of the nation. But in 1872, when the Italian liberation process was over, even though the principle of nationality was still the fundamental principle on which to build the science of international law, States formally returned to being 'subjects capable of law-making' alongside nationalities, humanity, and protagonists 'of the society of peoples.' In particular, the State became a legal entity where certain constituent elements of nationality were lacking, or where there was no formal character capable of distinguishing the State and the Nation. In this

regard, Mancini identified two types of State: those that were the result of force or built on consensus, 'an aggregate of provinces and territories belonging to different nationalities'; and nation-states, which were 'the creation of nature' and, for that very reason, immutable and eternal.[24]

In 1874, after welcoming the capitulation of the Empire and the political Papacy which had opposed the establishment of the 'Right of the People' for centuries, Mancini invoked the need to undertake a reform and codification of international law, a reform made more urgent by the intensification of international relations following the development of the means of transport and international trade.

> The equality and independence of states, the rule that they should not intervene in the internal disputes of other nations, the competence of the national will to determine the government and constitution of each state, the freedom of international communications and commerce, the horror of war and the duty to make it ever rarer and more difficult, and to limit calamities and disasters, the faith of public treaties, the respect and inviolability of the ambassadors, the cooperation in common with all those world institutions that produce security and increase international relations, are by now fundamental maxims of definitive income, even if not written, in today's practice of the Right of the Gentiles, nor would any Government dare to contravene them openly without fear of being banned from civilization.[25]

The reform and codification of international law was also urgently needed because of the American Civil War (1861-1865) and the Franco-Prussian War (1870-1871) which had put an end to the many years of

peace. In fact, Mancini's acclaim did not consist in ideologically elevating nations to the status of subjects of international law, but by developing a coherent legal form for a concept that would shake up and then arbitrate the history of Europe for decades to come: that of nationality.[26]

Towards an international understanding of the "Right of the Peoples": the establishment of the *Institut de Droit International*

As the Italian jurist and politician Augusto Pierantoni emphasised, the University of Turin had not only welcomed Mancini, but also other exiles, and was 'the most elected sanctuary of national science.' Among them, the Italian philosopher and statesman, Terenzio Mamiani Della Rovere (1799-1885), stands out for his 'Italianness and eloquence'.[27] Born in Pesaro, a collaborator of the *Antologia*, a literary and scientific journal founded by Giampietro Vieusseux in Florence in January 1821, Mamiani took an active part in the uprisings of 1831 as a result of which he was forced to flee to Paris. He was Minister of the Papal Government in 1848 and member of the Constituent Assembly in 1849. Opposed to the Roman Republic, he moved to Turin where he founded the *Società nazionale per la confederazione italiana* (National Association for the Italian Confederation), together with Vincenzo Gioberti.[28] He was Minister of Education (1860), member of parliament and senator (1864), and held a Chair of Philosophy of History at the University of Turin.

It was in France that Mamiani began to distance himself from Mazzini and his programme which he considered as 'temerarious and utopian', but also contrary to the real interests of the various Italian princes and alien to the historical, cultural and economic traditions of the country.

Mamiani opposed Mazzini's strongly unitary ideal with a federal programme which, according to the former, was more appropriate to the civil and economic history of the peninsula and more feasible because less conflicting.[29]

Most important for the purposes of this article is that Mamiani shaped another idea of nationality and attempted to establish it scientifically.[30] According to Pierantoni, the main difference between Mancini and Miamiani's respective systems was that the former considered the nation, and not the state, as the basis of the international law, whereas the latter 'persisted' in basing it on the state. And he reported a letter in which Mamiani explained:

> I strongly doubt that it is possible to base people's rights on the abstract principle of nationality; and we must also add the common conscience as it is taught and defined by our illustrious friend Professor Mancini. As for me, I think that nature, by creating nations, predisposes and sets people to compose one state and one homeland of those nations. But because ultimately the homeland results from the tenacious and unshakable will of certain families, villages or provinces to live together in the most intimate civil conjunction that is granted to men, it follows that the state and the homeland are not legally constituted by the natural facts of certain commonality of race, language, customs, etc.; but by the firm, deliberate and spontaneous will of men or we mean, by a rational and moral fact, which may sometimes exist in the nation as the Swiss, the Alsatians, the Corsicans, or may exist outside the nation but with a narrower and more separate border, as happened in Germany. [...] In practice, therefore, we will say that a state and a homeland almost always arise where nature constituted a nation; but in theory the *First* of the Law of the

> Peoples is to be found in the autonomous congregations that were independent and wish to remain so, as I tried to define and demonstrate in my volume *D'un nuovo Diritto Europeo* and in the other writing *Dell'ottima congregazione umana* which came to light in 1856 and however long before Stuart Mill's juridical writings that reproduce more or less several of my opinions on the subject.[31]

Both Mancini and Pierantoni were among the founders of the *Institut de Droit International*, who met from 8 to 11 September 1873 in the 'Salle de l'Arsenal' in the town hall in Ghent. According to its articles of association, adopted on 10 September, the *Institut de Droit International* was (and still is) 'an exclusively learned society, without any official nature.' Its aim was to promote the advancement of international law, 'striving to become the organ of the legal conscience of the civilised world' (Art. 1, 1); 'lending its co-operation in any serious endeavour for the gradual and progressive codification of international law' (Art. 1, 3); 'seeking official endorsement of the principles recognised as in harmony with the needs of modern societies' (Art. 1, 4); 'contributing, within the limits of its competence, either to the maintenance of peace, or to the observance of the laws of war' (Art. 1, 5).[32]

As was stated in an article published in the first issue of the *Annuaire de l'Institut de droit internationa*l (1877), it is surprising that, in a century characterised by the presence of numerous associations

> there has not been any association for the study of peoples' rights or, as we prefer to say today, international law for a long time. However, this delay is quite comprehensible if we consider the relative neglect in which the science of people's law was growing on the one hand, compared to other legal disciplines until

> recently; on the other hand, the essentially cosmopolitan nature of this science and the need to galvanize its followers in all countries, [and unite them notwithstanding differences in language and habits], overcoming political divisions and national prejudices, crossing distances, finally surmounting many material difficulties.[33]

The purpose of the *Institut de Droit International* was to serve as a body not for governments but 'for the legal opinion of the civilised world on the subject of international law.'[34] Being independent from all governments, it aspired to become a supranational moral authority for them, whose authority they be bound to only if they considered it appropriate. Gustave Rolin-Jaequemyns (1835-1902), one of the founders and secretary-general of the *Institut*, explained that, despite the vicissitudes of politics, there was a movement towards the regularisation of international relations, 'namely, towards the transformation of the *de facto* society that exists between nations and a true society governed by law.' This movement had been manifested in two ways until then, i.e. through diplomatic action and individual scientific action. The time had come to take collective scientific action to overcome the obstacles to the aspirations of these 'two major factors of international law.' For diplomacy, the main obstacle was represented by the 'at least apparent conflicts between the particular political interests of peoples, subjects of law, and the collective interest of society between nations.' Individual scientific action was hampered by the lack of any binding moral authority in isolated works, regardless of their scientific value or that of their author. As regards the nature of the *Institut*'s work, one of its primary tasks would be to study the principles of international law. As Rolin-Jaequemyns explains, the codification of international law propounded by some was in fact seriously opposed by others because of disagreement over some of the most basic principles of international

law, including for example: 'What is a State? What is a nation? Theory of non-intervention. Rules of neutrality. Theories of obligations, binding force of treaties, etc.'

The creation of the *Institut de Droit International* was therefore a response to the need, first raised by Mancini, but also by others besides him, to regulate international law in a period in which nationality had been placed 'at the heart of modern law.'[35]

And yet, as we have seen, there was no unanimity about the idea of nationality which was ambiguous and refractory to any kind of clear and unequivocal definition.

The indeterminacy of the idea of nationality – and of nation – was compounded, in those same years, by the definition of nation furnished by Ernest Renan. In his famous 1882 conference, leaning more towards the principle of nationality outlined by Mamiani than the one by Mancini, Renan refused to count race, language and territory among the foundations of nationality. For him, common history and memory and, above all, a willingness to belong to it were the constituent elements of a nation. Thus, the possession of a common heritage and the desire to live together, 'la volonté de continuer à faire valoir l'héritage qu'on a reçu indivis.'[36] It is interesting to note, taking up the observations made by Gérard Noiriel in this regard, how Renan added an 'assimilationist' element to the previous definitions of nation/nationality. In fact, as Rogers Brubaker has also pointed out in his famous book on the French and German concepts of nationality and citizenship, the 'French notion' of the nation ('à la française') has two main characteristics: it is centred on the State and is 'assimilationist'. It essentially represented a specific aspect of the French political and cultural geography, i.e. the progressive formation of the nation-state around a single political and cultural centre. This was also the consequence of an idea of nationhood

elaborated *de facto* by a broad bourgeois stratum as part of the willingness to reform an already existing nation-state. It gave rise to a series of 'assimilationist' political and cultural measures – such as, for example, the policy of linguistic assimilation – aimed at creating a national community based on a political awareness of belonging to the same State.[37]

No doubt, the period was favourable to the discussions on this subject. Not only the unification wars of Germany and Italy, and the Franco-Prussian war, but also the rapid development of means of transport and the intensification of economic relations, with the large demographic movements that it engendered, had placed the question of nationality at the centre of the debate, as it was now closely connected to the need to control the movement of individuals.

Yet to the extent that the use of the principle of nationality in resolving issues related to the resolution of (inter)national conflicts is concerned, its definition and effective applicability would still have generated endless discussions. Bearing testimony to that period, the German jurist Franz von Holtzendorff observed that the cases of Italy and Germany could not be considered as 'evidence' of the general applicability of the principle of nationality. International law still had a long way to go, especially with regard to Eastern Europe, 'where fragments of various nationalities' cohabited with each other, almost always 'animated by hostile feelings, but too weak to be able to form and live in independent states.'[38]

From the principle of nationality to national self-determination

The idea that the creation of a state corresponds to the achievement of the full individuality of a national people – since the nation-state represented 'the culmination of individual self-determination and of the sovereignty of the people' – seemed to triumph at the end of the First World War when new states were forged from the ashes of the old empires.[39] The 'nation-state principle', as Peter Alter defined it, implies that there should be 'perfect congruence between political and ethno-cultural unity', and it is precisely this principle that seemingly guided decisions at the time of the Peace Treaties, thus redrawing the political map of Europe. However, as has been profusely emphasised by the subsequent historiography, the States born at the end of the war turned out to be as heterogeneous and multinational as the Empires – the 'oppressors of peoples' – they replaced.[40] This was simply due to the actual distribution of people which effectively prevented the newly founded states from being homogeneous from an ethno-cultural point of view.

The observation that the principle of the nation-state lived an 'illusory triumph' is the result of the great work of 'historiographic cleaning' that normally occurs with the passing of time. However, it was above all the events that followed the Peace Treaties, in particular the rise of Hitler and the outbreak of the Second World War which radically questioned the results of the Paris Peace Conference and contributed to raising the issue of whether what has been improperly coined 'the Versailles settlement' was destined to fail or not. Very different answers were given: while some hailed it as 'the triumph of democracy, national self-determination, justice, the rule of law and security against militarism', others denigrated it as 'the triumph of cynicism, calculated vengeance,

economic unrealism and oppression of national minorities.'[41] The systematic violation of the principle of national self-determination became the specific object of condemnation.[42] According to Yael Tamir's argument – who adopts a different expression for the classic distinction between 'ethnic' and 'civic' nation – historically divergent interpretations of the right to national self-determination originated from the two different notions of 'cultural nation' and 'democratic nation'. Therefore, while the cultural version of the nation understands national self-determination as the right of the members of a nation 'to preserve their distinct existence, and to manage communal life in accordance with their particular life', the democratic version of the nation – defined as 'the group of individuals living under the same rule' – intended self-determination as 'the right of individuals to participate in governing their lives.'[43]

And yet during and after WWI, great turmoil seems to have enveloped these two notions, which, as it turns out, were not as clearly distinct as presupposed. Indeed, the origins of this conceptual confusion can be traced back to the idealisation of the figure of the American President Woodrow Wilson and his famous 'fourteen points' speech. This idealisation was based on an unequivocally erroneous interpretation of the term 'self-determination' which – as we will see in the next few lines – in the Wilsonian formula corresponded to self-government, and therefore should be interpreted as a form of fully democratic government and the need to lead 'primitive peoples' to the state in which they would be able to self-govern.

The term 'self-determination' had never appeared in Wilson's statements prior to delivering his speech known as the 'Four Point address', on 11 February 1918.[44] In the coming settlement, he said, 'national aspirations must be respected', and people may be 'dominated and governed only by their own consent.'[45] And yet, Robert Lansing,

Wilson's own secretary of state, noted that the term self-determination was essentially equivalent, in Wilson's usage, to the time-honored liberal principle of consent of the governed. In fact, as Erez Manela has explained, by invoking the principle of self-determination – a term which Wilson borrowed from the language of the Bolsheviks – he 'incorporated the new term into his ideological war lexicon, adopting this phrase as his own and assimilating it into the program for the post-war international order.' In this way, self-determination replaced previous references to the consensus of the governed. It was a substitution – Manela explains – that aspired to neutralise Bolshevik criticism of Allied war objectives by adopting their language, but which did not change, in essence, Wilson's view that 'self-determination' was simply synonymous with 'self-government' and the importance of 'government with consensus'.

The arguments propounding the right to self-determination and the closely related concept of collective security, advanced by the US President, represent the essence of the ideology of Wilsonianism. As Wilson stated on May 27, 1916 while advocating the idea of a post-war League of Nations, not only does

> every people ha[ve] a right to choose the sovereignty under which they shall live […] the small states of the world [also] have a right to enjoy the same integrity that great and powerful nations expect and insist upon. And […] the world has a right to be free from every disturbance of its peace that has its origins in aggression and disregard of the right of peoples and nations.[46]

As Thomas Musgrave pointed out, Wilson's ideas about self-determination initially reflected the Western European understanding

of self-determination, according to which 'those within a certain state should have the right to determine their own government […]. By "self-government", he meant the right of a population to choose its own form of government; this right was ongoing and was therefore synonymous with democratic government.'[47]

Wilson, whose notion of nationality was shaped by American experience, understood the principle of national self-determination from the perspective of historicism. In his view, the national consciousness of a people was determined more by historical factors and civic affinities than by ethno-cultural elements. Consequently, language and race lose the primordial role they had in ethnic nationalism to become only two of the many elements that define a nation. Accordingly, the growth of the national idea coincides with the people's conscious development of the national experience and life as well as of a distinctive historical consciousness. It follows that not all peoples who claim the right to self-government already constitute a nation – in other words, that not all the nations are endowed with the 'historical qualities' of nationality. As Lansing later wrote, the principle of self-determination clearly did not apply to 'races, peoples, or communities whose state of barbarism or ignorance deprive them of the capacity to choose intelligently their political affiliations.'[48]

Furthermore, during the 1919 Peace Treaties, other factors intervened to influence the application of Wilsonian principles, particularly the outbreak of the Russian Revolution in November 1917. Once in power, the Bolsheviks – who during the Provisional Government had been manifestly sensitive to the issue of national minorities, going so far as to advocate the right of secession for those peoples requesting – immediately inaugurated a new policy towards the nationalities of the overthrown Tsarist empire through a series of initiatives aimed at consecrating the principle of self-determination. In the 'Declaration of

the Rights of the Peoples of Russia', adopted on November 15, 1917, they guaranteed

> the equality and sovereignty of the peoples of Russia; the right of the peoples of Russia to free self-determination, even to the point of separation and the formation of an independent state; the abolition of any and all national and national-religious privileges and disabilities; the free development of national minorities and ethnographic groups inhabiting the territory of Russia.[49]

As proof of their goodwill, they immediately recognised the independence of Finland. The recognition of the right to self-determination contributed significantly to making the Bolsheviks popular among non-Russian peoples, prompting them to provide support during the civil war that followed the October Revolution.

During the peace negotiations, therefore, the 'Bolshevik spectrum', besides constituting a reason of solidarity between the Allies – who were unanimously prepared to use any means to impede any further propagation of the Russian 'infection' – was repeatedly brandished as a weapon and presented as the threat of redrawing the territorial map of the defeated countries so that a safety belt (*cordon sanitaire*) could be created to contain the Revolution. In this context, the principle of self-determination was used to justify the creation of independent states following the capitulation of the Austro-Hungarian Empire, as well as to legitimise important territorial concessions to Poland, Romania and Czechoslovakia while substantial economic and military energies were diverted into the fight against Bolshevism.[50]

In conclusion, the weakness of Wilson's international programme, due to the generic and often contradictory nature of many of its points,

could also be explained by its absolute lack of logical unity, a factor that facilitated its manipulation at the Paris Peace Conference by 'inscribing many nationalistic war acquisitions in the final resolution.'[51] As Allen Lynch points out, the problem was that – due to his US political education and experience – Wilson's idea of nationality came down to a community of language, which is why he thought that attachment to state and attachment to nation must be concurrent. Hence, from his perspective, to argue that the principles of nationality and self-determination should coincide was merely perceived as a stepping-stone.[52]

Accordingly, during WWI, the principle of self-determination was embodied with linguistic, cultural and racial elements. Since the terms of peace and stability in the postwar period were aligned to the establishment of sovereign political entities, these had to be as homogeneous as possible from an ethnic point of view. As an observer of that time remarked:

> Depuis la guerre, le principe des nationalités semble avoir conquis de nouvelles faveurs. Ce n'est pas qu'on ait pris la peine d'en donner une démonstration théorique. Comme en bien d'autres domaines non seulement le bon public, mais ceux mêmes qui ont eu le redoutable honneur de tenir en leurs mains les destinées du monde, ont accueilli, sans trop y réfléchir, des formules séduisantes peut-être par leur apparente simplicité, mais qui n'avaient d'autre mérite que de bien servir leurs dessins.[53]

Conclusion

Alan Sharp pointedly remarked that 'the injection of nationality into the concept of self-government created the hybrid of self-determination and this produced a series of complex and complicated problems for the peacemakers to disentangle; not least because Wilson never entirely committed himself to the principle that nationality should be the sole determining factor in the drawing up of new frontiers in the Peace Settlement.'[54]

Among the unexpected consequences of the resolutions adopted by the Peace Treaties in Europe – which used the principles of nationality and self-determination interchangeably – there were at least two that would have serious repercussions for years to come. First of all, the lack of a genuine concurrence between the 'national idea' advocated by its official proponents and the actual self-identification advocated by the people concerned, as numerous plebiscites organised in 1918 demonstrated.[55] Second, the geographical deflagration of nationalist and regionalist movements which meant that, whilst the principle of self-determination had been highly valued until then by 'liberating and unifying' national movements at the expense of multinational or supranational States, from 1919 onwards it became a source of legitimacy for separatist movements.[56]

And it is perhaps in this sense that the differences between the principle of nationality advocated by Mancini and the principle of national self-determination, as applied in the Peace Treaties of 1919, became more evident. Whilst Mancini's nationality principle identified a process of expansion and progress through the creation of a nation that would lead to a future universal society, Wilsonian self-determination endorsed the return to particularism. This drained nationalism of the very content of

liberation and unification that had characterised liberal nationalism during the nineteenth century.

Endnotes

[1] This paper is part of a research project funded by the Gerda Henkel Stiftung entitled *From the trenches to regionalist militancy. Regionalism as a form of dissent in the immediate aftermath of World War I* [AZ 50/F/17].

[2] H. Hauser, *Le principe des nationalités. Ses origines historiques* (Paris, 1916), 8-10.

[3] Hauser, *Le principe des nationalités,* 28-29.

[4] K. Hailbronner, 'Nationality in public international law and European law', in: R. Bauböck, E. Ersbøll, K. Groenendijk, & H. Waldrauch (eds.), *Acquisition and Loss of Nationality. Policies and Trends in 15 European States. Vol.1: Comparative Analyses* (Amsterdam, 2006), 35. On the "changing parameters" of nationality, see also K. Henrard, 'The Shifting Parameters of Nationality', in: *Netherlands International Law Review*, 65 (2018), 269-297.

[5] G. Noiriel, 'Socio-histoire d'un concept. Les usages du mot "nationalité" au XIXe siècle', in: *Genèses*, 20 (1995), 5.

[6] R. Johannet, *Le principe des nationalités* (Paris, 1923), 3. René Johannet (1884-1972) was a major figure of integral nationalism, close to Chares Maurras and the *Action française*. He contributed to the *Revue universelle* (1920-1944) and *Candide*, a weekly magazine created by Jacques Bainville in 1924. Both journals were an expression of Maurrasian ideas. See E. Weber, *L'Action française* (Paris, 1985 [1962]), 550-551.

[7] The French term *nationalité* can be translated into English as 'nationhood' (which has a political meaning), 'nationality' (with a ethno-graphic meaning), and "citizenship" (which is a legal or juristic concept).

[8] 'Je pouvais donc me croire destinée à des avantages particuliers, par la réunion des circonstances rares qui m'avaient donné une double éducation, et si je puis m'exprimer ainsi, deux nationalités différentes.' De Staël, *Corinne et l'Italie* (London, 1807), 395. Quoted in Noiriel, 'Socio-histoire d'un concept', 7.

[9] P. Lauret, the translator of the book, explains his choice of translating Volchstum into *nationalité* in this way: 'Le mot nationalité, employé dans le titre de ce livre, choquera peut-être les oreilles des puristes et ne satisfera pas ceux qui veulent par le titre seul connaître tout un ouvrage. Je n'ai pas su trouver un meilleur mot dans notre langue et qui ait été employé dans le même sens. J'ai été forcé à quelques autres néologismes pour rendre certains mots que le génie de la langue allemande permettait à notre auteur de fabriquer de toute pièce.' Quoted in Noiriel, 'Socio-histoire d'un concept', 8.

[10] Noiriel, 'Socio-histoire d'un concept', 13-18.

[11] Johannet, *Le principe des nationalités*, VII.

[12] G. Sluga, *The Nation, Psychology, and International Politics, 1870-1919* (Basingstoke, 2006), 55.

[13] Johannet, *Le principe des nationalités*, 7.

[14] '[U]ne catégorie intellectuelle à la recherché d'une incarnation, – disons-le, une catégorie italienne, une arme politique aux mains de l'*italianità* encore asservie mais déjà menaçante.' To convince his readers, Johannet cites the fact that Austria tried to ban his courts and the King of Naples confiscated his property. Johannet, *Le principe des nationalités*, 8.

[15] 'In mezzo ad un popolo che per la causa del riscatto nazionale immensi sacrifizii con magnanima virtù sostenne, nel sacro ed ospitale asilo della libertà e del sapere Italiano, nella città che sola tra le prostrate sorelle della Penisola estolle maestosa l'invitto suo capo, la Scienza alla quale è commesso propugnare il domma della Indipendenza delle Nazioni, anzi che vedersi tuttavia confusa con altre nello insegnamento quasi secondaria disciplina, ben meritava più esteso e distinto dominio, anche a rischio di cangiare in un'oscura voce, com'è la mia, la parola sapiente e feconda che doveva farsene l'interprete' [tr.: In the midst of a people who, for the cause of national redemption,

sustained immense sacrifices with magnanimous virtue, in the sacred and hospitable asylum of freedom and Italian knowledge, in the city that alone, among the prostrate sisters of the Peninsula, raised its invincible majestic head, the Science to which it is committed to advocate *the dogma of the Independence of Nations*, instead of seeing itself however confused with others in the teaching almost secondary discipline, well deserved more extensive and distinct dominion, even at the risk of changing in an obscure voice, as is my own, the wise and fruitful word that should be made by the interpreter]. P.S. Mancini, *Della Nazionalità come fondamento de diritto delle genti* (Turin, 1851), 7-8. My italics. Mancini refers here to Amedeo Melegari (1805-1881), professor of Constitutional Law at the University of Turin. Melegari was one of the founders of the Giovine Italia and, after moving to Switzerland, one of the five Italian representatives who signed the 'Berne Pact', that is the founding act of the Giovine Europa, on 15 April 1834. Melegari gradually moved away from Mazzini's ideas, until he assumed liberal-democratic and constitutional positions.

[16] Mancini, *Della Nazionalità come fondamento,* 30-32.

[17] Giambattista Vico (1668-1744) was a Neapolitan philosopher. He was the author of *Scienza nuova* (The New Science, 1725-1744), in which he proposed a new methodology for history, a scheme of how it develops, and a reformulation of the providential theory. According to Vico, there are three historical stages, through which all nations are destined to pass: 'the age of the gods' (i.e. of the primitive religious myths); 'the age of heroes' (or of the lordly dominion), and 'the age of men', characterised by the appearance of philosophical thought and legislative codifications.

[18] During his exile in Turin, Mancini contributed to demolishing the image of the Bourbons of Naples by publishing *Relazioni di magistrati e pubblicisti italiani sopra le quistioni legali e costituzionali della causa per gli avvenimenti del 15 maggio 1848 a Napoli*. See G. Massari, *Atti e documenti del processo di lesa maestà per gli avvenimenti del 15 maggio 1848 in Napoli* (Turin, 1851), 179-247);http://www.treccani.it/enciclopedia/pasquale-stanislao mancini_%28Dizionario-Biografico%29/

[19] L. Nuzzo, 'Da Mazzini a Mancini: il principio di nazionalità tra politica e diritto', in: *Giornale di storia costituzionale*, 14 (2007), 162.

[20] See S. Recchia & N. Urbinati (eds.), *A Cosmopolitanism of Nations: Giuseppe Mazzini's Writings on Democracy, Nation Building, and International Relations* (Princeton, 2009).

[21] A Genoan propagandist and revolutionary, he was the founder of the secret revolutionary society Young Italy (1832) and Young Europe (1834). The political association Giovine Europa (Young Europe) had a public program, but the names of its members were secret. It was founded in Bern by Mazzini and 16 other Italian, German and Polish political refugees. The association was dissolved following Mazzini's ban from Switzerland (1836).

[22] G. Mazzini, 'Principles of International Politics (1871)', in: S. Recchia & N. Urbinati (eds.), *A Cosmopolitanism of Nations: Giuseppe Mazzini's Writings on Democracy, Nation Building, and International Relations* (Princeton, 2009), 232-233. The original text follows: 'Le guerre combattute in Europa dagli ultimi anni del primo Impero fino a noi originarono quasi tutte da quel principio: suscitate da popoli rivolti a conquistarsi nazionalità o a proteggerla dagli assalti altrui o promosse da monarchie tendenti a impadronirsi di moti nazionali antiveduti inevitabili e sviarli dal segno. I popoli chiamati da tendenze provvidenziali a conglomerarsi per vivere di vita normale e compire liberamente e spontanei un ufficio in Europa sono oggi, i più, smembrati, divisi, servi d'altrui, aggiogati a chi ha fine diverso, separate per opera di violenza da rami della stessa famiglia, deboli quindi e inceppati nei loro moti, nelle loro legittime aspirazioni […]. Le Nazioni rappresentano le diverse facoltà umane chiamate a raggiungere associate, non confuse e sommerse l'una nell'altra, il fine comune e hanno eterno il diritto di vivere di vita propria: non s'associa chi non vive e non comincia dall'affermare la propria individualità […]. Le Nazioni sono l'unico argine al dispotismo d'un popolo come la libertà degli individui al dispotismo d'un uomo.' G. Mazzini, "Politica internazionale", in: *La Roma del Popolo*, 4, 5, 6, (1871).

[23] P.S. Mancini, *Prelezioni con un Saggio sul Machiavelli* (Naples, 1873), 67-92.

[24] Mancini, *Prelezioni con un Saggio sul Machiavelli*, 163-220. As Luigi Nuzzo explains, Mancini's State 'had become a virtuous State which, through the principle of nationality, had succeeded both in resolving internal political and social conflicts [...], but also the often conflicting relationship between the state/society and state/population, by identifying the nation with the state. The Italian State was national because it was a creation of nature, and it was necessary and eternal because it was natural.' Nuzzo, 'Da Mazzini a Mancini', 16.

[25] 'L'eguaglianza e l'indipendenza degli Stati, la regola che non debbano intervenire nelle interne contese delle altre Nazioni, la competenza della volontà nazionale a determinare il governo e la costituzione di ogni Stato, la libertà delle comunicazioni e dei commerci internazionali, l'orrore della guerra ed il dovere di renderla sempre più rara e difficile, e di limitare le calamità e i disastri, la fede de' pubblici trattati, il rispetto e l'inviolabilità delle ambascerie, la cooperazione in comune a tutte quelle istituzioni mondiali che producano sicurezza ed incremento alle relazioni internazionali, sono ormai massime fondamentali entrate definitivamente, benché non scritte, nella pratica odierna del Diritto delle Genti, né alcun Governo oserebbe contravvenire ad esse apertamente senza temere di esser posto al bando della civiltà.' P.S. Mancini, *Della vocazione del nostro secolo per la riforma e la codificazione del diritto delle genti e per l'ordinamento di una giustizia internazionale. Discorso per la inaugurazione degli studi nella R. Università di Roma pronunziato nel 2 novembre 1874* (Rome, 1874), 39.

[26] http://www.treccani.it/enciclopedia/pasquale-stanislao-mancini_(Dizionario-Biografico)

[27] A. Pierantoni, *Storia degli studi di diritto internazionale in Italia* (Modena, 1869), 155.

[28] Vincenzo Gioberti (1801-1852) was an Italian philosopher and politician. A priest from 1825 onwards, affiliated with the Giovine Italia, he fled to France in 1833. Having distanced himself from Mazzini, he wrote *Del primato politico e morale degli italiani* (1843) proposing a confederation of states under the leadership of the papacy (neo-Guelfism) as an alternative to the unitary

republic. He was Prime Minister of the Savoy Kingdom (1848-1849). After the defeat of Novara, he retired to voluntary exile in France.

[29] For the same reasons, Antonio Brancati explains, 'he also rejected the conspiracy-revolutionary strategy and entrusted the still dawning aspirations of the National Risorgimento, above all, to the open ethical-political education of the 'plebs', based not only on the values of freedom and autonomy of the country, but also on a specific programme of economic and social emancipation of the minute people.' A. Brancati, "Mamiani Della Rovere, Terenzio", in: *Dizionario Biografico degli Italiani*, 68 (2007). http://www.treccani.it/enciclopedia/mamiani-della-rovere-terenzio_%28Dizionario-Biografico%29/

[30] See T. Mamiani Della Rovere, *D'un nuovo diritto europeo* (Turin, 1860). The book was published several times in Italy and immediately translated into French and English; Brancati, "Mamiani Della Rovere".

[31] 'Io dubito forte che si possa fondar bene il giure delle genti sull'astratto principio di nazionalità; e si aggiunga pure la coscienza comune quale la insegna e la definisce l'illustre amico nostro professore Mancini. […] Quanto a me io penso che la natura col creare le nazioni predispone ed apparecchia la genti a comporre di quelle un solo stato e una sola patria. Ma perché da ultimo la patria risulta dalla volontà tenace e incrollabile di certe famiglie, borghi o provincie di vivere insieme nella congiunzione civile più intima che agli uomini sia conceduta, ne segue che lo stato e la patria non sono giuridicamente costituite dai fatti naturali di certa comunanza di stirpe, lingua, consuetudini ecc; ma sì dal volere fermo, deliberato e spontaneo degli uomini o vogliamo dire, da un fatto razionale e morale, che può talvolta sussistere nella nazione siccome agli Svizzeri, agli Alsaziani, ai Corsi; ovvero può sussistere fuori della nazione ma con più ristretto e separato confine, come insino è accaduto in Germania. […] In pratica, adunque diremo che quasi sempre sorge uno stato e una patria laddove natura costituì una nazione; ma in teorica il Primo del giure delle genti è da collocarsi nelle congregazioni autonome che fossero indipendenti e vogliono rimanere tali, secondo che mi sono ajutato a definire e provare in quel mio volume D'un nuovo Diritto Europeo e nell'altro scritto dell'ottima Congregazione umana venuto a luce insino dal mille

ottocentocinquantasei e però molto prima delle stampe giuridiche di Stuart Mill che riproducono a un di presso parecchie mie opinion in proposito.' A. Pierantoni, *Storia degli studi di diritto internazionale in Italia*, 169-171.

[32] *Annuaire de l'Institut de droit international* (1877), 1.

[33] "Notice historique sur l'Institut de droit international, sa foundation et sa première session. Gand 1873, Genève 1874.' As specified, this note is in part a reproduction of an article by Alphonse Rivier, published in *Bibliothèque universelle et Revue Suisse* (1874), 11 and onwards.

[34] G. Rolin-Jaequemyns, 'De la nécessité d'organiser une institution scientifique permanente pour favoriser l'étude et les progress du droit international', in: *Revue de droit international et de législation comparée*, V (1873), 463 and onwards.

[35] Cogordan defined nationality as 'le lien qui unit l'individu à l'État, c'est-à-dire au groupe social suprême et indépendant", and nation as "un groupe d'individus unis par la similitude des goûts, des usages, des intérêts, des sympathies, si bien qu'il règne entre eux une cohésion intime, une puissante solidarité qui leur fait souhaiter de vivre sous les mêmes lois, et de marcher ensemble aux mêmes destinées. L'identité de la race et de la langue et plus encore le souvenir d'un long passé commun contribuent grandement à créer une telle union, qui, lorsqu'elle existe, confère une sorte de droit naturel à former un État. Ainsi comprise, la nationalité est indépendante des divisions factices que les guerres et les traits ont pu tracer sur la carte du monde. Et le principe des nationalités, qui est si souvent invoqués de nos jours, a précisément pour but de faire coïncider les frontières des États avec celle de nations. Il a pris une si haute importance et jouit d'une telle popularité que les États sont obligés de l'invoquer, même lorsqu'ils le respectent les moins.' G. Cogordan, *La nationalité au point de vue des rapports internationaux* (Paris, 1890), 4-5.

[36] E. Renan, *Qu'est-ce qu'une nation?* (Paris, 1882), 26.

[37] The French – so called 'voluntaristic' – notion of the nation, is part of a constructivist (or artificialist) perspective, in the sense that it is built on 'the union of wills in a free association, based on adherence to the principles of the

social contract.' Nationality would not therefore be a 'natural determination', but would be defined 'by an act of voluntary adherence to the democratic community or to the social contract', which is a matter of free choice (Renaut 1991, 33-34). The *nation-contrat* is usually contrasted with the *nation-génie*, which is closely linked to the idea of the collective soul and is also known as the 'German' notion of the nation. The German nation, which is centred on the *Volk*, is therefore 'differentialist' because thought under the idea of difference. R. Brubaker, *Citoyenneté et nationalité en France et en Allemagne* (Paris, 1997), 23, 26-29.

[38] Fr. von Holtzendorff, 'Le principe des nationalités et la littérature italienne du droit des gens, à propos de l'ouvrage de M. Auguste Pierantoni: *Storia degli studi del diritto internazionale in Italia* (Modena 1869)', in: *Revue de droit international et de legislation compare*, II (1870), 106.

[39] P. Alter, *Nationalism* (London, 1989), 92.

[40] According to E.J. Hobsbawm, 'the main change was that States were now on average rather smaller and the "oppressed peoples" within them were now called "oppressed minorities".' E. Hobsbawm, *Nations and nationalism since 1780* (Cambridge, 2000), 133.

[41] I.J. Lederer (ed.), *The Versailles Settlement. Was It Foredoomed to Failure?* (Boston, 1965), vii. Furthermore, whereas the liberal public opinion of Western Europe considered the aspirations of the micro-nationalities in Central and Eastern Europe as 'a revolt of democracy against tyranny', among the Powers the inalienable right of a people to self-determination didn't have unanimity, both for their reluctance to intervene in the internal affairs of a sovereign State, and for the presence, in three of them, of dissatisfied national minorities.

[42] See W.R. Keylor, 'The Principle of National Self-Determination as a Factor in the Creation of Postwar Frontiers in Europe, 1919 and 1945', in C. Baechler & C. Fink (eds.), *L'établissement des frontières en Europe après les deux guerres mondiales* (Frankfurt, 1996), 37-54.

[43] Y. Tamir, *Liberal Nationalism* (Princeton, 1993), 69.

[44] Neither was it present in his well-known 'Fourteen Points' address, pronounced a month earlier, in which he supported the "autonomous development" of peoples of the Austrian and Ottoman Empires. It was therefore in the 'Four Points' speech that he first publicly articulated the phrase 'self-determination'.

[45] E. Manela, *The Wilsonian Moment. Self-Determination and the International Origins of Anticolonial Nationalism* (Oxford, 2007), 41.

[46] L.E. Ambrosius, *Wilsonianism. Woodrow Wilson and His Legacy in American Foreign Relations* (New York, 2002), 21.

[47] T.D. Musgrave, *Self-Determination and National Minorities* (Oxford, 1997), 22.

[48] Quoted in Manela, *The Wilsonian Moment*, 24.

[49] https://www.marxists.org/history/ussr/government/1917/11/02.htm

[50] The manipulation of the principle of self-determination for the achievement of precise political-strategic goals was recognised also by Winston S. Churchill himself, who admitted that while this principle 'had preserved Germany as the greatest united branch of the European family was finally fatal to the Empire of Habsburg.' W. Churchill, 'The World Crisis: The Territorial Settlement of 1919-1920', in: Lederer (ed.), *The Versailles Settlement*, 78-85.

[51] H. Holborn, 'World War, World Settlement and the Aftermath', in: Lederer (ed.), *The Versailles Settlement*, 1-17.

[52] A. Lynch, 'Woodrow Wilson and the Principle of "National Self-Determination": A Recondideration', in: *Review of International Studies*, 28 (2002), 423-424.

[53] These lines were written by the Belgian Catholic priest, Pierre Harmignie, who was executed by the Germans, together with others, as reprisal measurement, in Courcelles, on 18 August 1944. See P. Harmignie, 'Note sur le principe des nationalités', in: *Revue néo-scolastique de philosophie*, 9 (1926), 23.

[54] A. Sharp A., 'The genie that would not go back into the bottle: national self-determination and the legacy of the First World War and the Peace Settlement', in: S. Dunn & T.G. Fraser (eds.), *Europe and Ethnicity. World War I and*

Contemporary Ethnic Conflict (London & New York, 1996), 13. See also Lynch, 'Woodrow Wilson and the Principle of "National Self-Determination".

[55] Hobsbawm, *Nations and nationalism,* 134.

[56] The emergence of the 'micro-nationalities' that Wilsonism provoked would be used by what Guy Hermet has called 'careerist nationalists' – obscure activists who saw in the territorial and political recomposition of Central and Eastern Europe and in the achievement of independence for their country, an unhoped-for opportunity to gain access to positions of prestige in the administration or in any other entity at the national level. G. Hermet, *Histoire des nations et du nationalisme en Europe* (Paris, 1996), 192-195; Hobsbawm, *Nations and nationalism,* 138-139.